

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Dennis M. Cavanaugh  
v. : Criminal No. 10-158 (DMC)  
CULLEN DARBY : SCHEDULING AND CONTINUANCE ORDER

This matter having come before the Court on the joint application of Paul J. Fishman, United States Attorney for the District of New Jersey (by Lee Vartan, Assistant U.S. Attorney), and defendant Cullen Darby (by John Yauch, Esq.), for an order setting the briefing and trial schedules in this matter and for an order granting a continuance of the proceedings in this matter:

IT IS ORDERED that defendant shall file any motions no later than November 8, 2010;

IT IS FURTHER ORDERED that any reply to defendant's motions shall be filed no later than December 6, 2010;

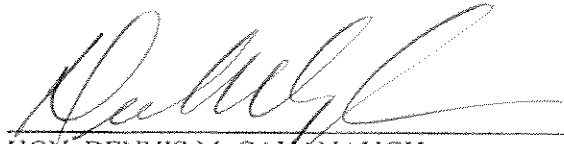
IT IS FURTHER ORDERED that argument of any motions filed shall be December 13, 2010;

IT IS FURTHER ORDERED that the trial in this matter is set for January 10, 2011; and

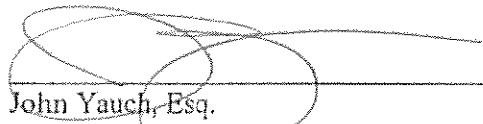

IT IS FURTHER ORDERED that the period from August 18, 2010 through January 10, 2011 shall be excludable in computing time under the Speedy Trial Act of 1974 because: (1) the parties are preparing to engage in preliminary discussions concerning entering into a plea agreement, and the defendant desires additional time to review discovery, and both the

United States and the defendant seek additional time to pursue such discussions, which may render trial of this matter unnecessary; (2) the defendant has consented to the continuance; (3) the grant of a continuance will likely conserve judicial resources; and (4) pursuant to Title 18 of the United States Code, Section 3161(h)(7)(A), the ends of justice served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial.

Dated: August 23, 2010

  
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HON. DENNIS M. CAVANAUGH  
United States District Judge

Consented and Agreed to by:

  
\_\_\_\_\_  
John Yauch, Esq.  
Counsel for defendant Darby  
\_\_\_\_\_  
Lee Vartan  
Assistant U.S. Attorney